

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
W/S Sunny King Drive, 20' N of the c/l *
Sunfield Court * ZONING COMMISSIONER
(8 Sunny King Drive) *
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 99-370-X
Tatyana Maltseva and Max Simak *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Tatyana Maltseva and Max Simak. The Petitioners request a special exception to permit a medical office on the subject property, zoned R.C.5, utilizing less than 25% of the overall square footage of the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Tatyana Maltseva, co-Petitioner/Property Owner, and Zak Matlin, Zoning Consultant. Appearing as interested persons/Protestants were numerous residents from the surrounding locale, including Craig R. Piette, Genevieve Metanoski, David Green, Bob Hughes, and Davie E. Shutz, all of whom signed the sign-in sheet which was circulated at the hearing.

An examination of the site plan reveals that the subject property consists of 1.09 acres, more or less, zoned R.C.5, and is located on Sunny King Drive, across from its intersection with Sunfield Court in the Delight Meadows subdivision of Reisterstown. The property is improved with a two-story dwelling with an attached garage and rear wood deck. The rear of the lot contains an in-ground swimming pool, a small frame shed, and a one-story pool house building. Ms.

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Date 7/23/99
[Signature]

Maltseva indicated that she and her family (husband, son and daughter) have owned the property and resided thereon for approximately one year. She testified that she is an immigrant to this country and previously practiced as a Physician. However, she now works as an Acupuncturist and is a Registered Nurse. In this regard, Ms. Maltseva indicated that she works outside the home at a Rehabilitation Center on a full-time basis.

Notwithstanding this employment, Ms. Maltseva wishes to establish an Acupuncturist Office on the subject property. She anticipates that the practice will be very limited and that patients will be seen only on an appointment basis, and there will be no employees. Moreover, patients will be seen Monday through Friday and the office will not be full-time. Ms. Maltseva also described her profession in some detail and her plan to dispose of used needles and other items associated with the business. In this regard, she indicated that used needles and medical waste are kept in a sealed container and are regularly disposed of in accordance with Health Department regulations.

In addition to the site plan which shows existing improvements on the property, the Petitioner submitted a schematic drawing of a portion of the first floor of the dwelling which will be used for office purposes. The drawing shows that there will be a small waiting room (12.6' x 12.1') and a treatment area (12.6' x 15.9'). The total square footage of these two rooms constitutes approximately 16% of the overall square footage of the entire dwelling.

The Protestants who appeared expressed concern regarding a number of issues. They are fearful of a precedent being established for businesses in the community and are concerned over the potential increase in traffic. Issues regarding the disposal of medical waste and a perceived threat to the viability of this residential community were raised. In addition, several

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[Signature]

letters were received from residents who were unable to appear at the hearing. These residents object to the “rezoning” of the property.

As explained at the hearing, the matter does not come before me for rezoning. Indeed, the Zoning Commissioner does not have the authority to rezone property – that authority rests with the County Council, and in some limited circumstances, the County Board of Appeals. The subject property is zoned R.C.5. This is a Rural/Residential zoning classification which permits, by right, single family dwellings, open space, Churches, and similar non-commercial uses. That is, a property owner can use an R.C.5 zoned parcel for “by right” uses without a public hearing.

The Zoning Regulations also permit certain uses by special exception. The phrase “special exception” is a misnomer for that zoning concept. In other jurisdictions, such uses are known as “conditional uses.” Special exceptions or conditional uses are permitted by the B.C.Z.R. in the R.C.5 zone upon a showing that the proposed use will not be detrimental to the health, safety or general welfare, of the surrounding locale. Moreover, a special exception use cannot be denied merely because some impact will result; rather, it must be shown that the impact would be worse at the subject location than elsewhere within the zone.

Section 1A04.2.B of the B.C.Z.R. identifies special exception uses in the R.C.5 zone. Subsection 11 indicates that “Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building serving as the professional person’s primary residence; does not occupy more than 25% of the total floor area of the residence; and does not involve the employment of more than one non-resident professional associate, nor two other non-resident employees.” Such a use is permitted by special exception.

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[Signature]

Examining that definition, I first find that Ms. Maltseva's location is indeed a "professional person" as contemplated by the language in the special exception statute. Although not technically a physician, she is registered and licensed by the State and the practice of acupuncture is, in my judgment, a professional pursuit. Thus, the office of an acupuncturist may qualify for special exception relief in that such individual is considered a professional person. Second, in order to qualify an applicant must show that the primary purpose of the building is as a dwelling. In this regard, the applicant also satisfies this criteria. Her uncontradicted testimony was that she and her family reside within the dwelling and that the primary purpose of the structure is and will remain residential.

Third, the Petitioner does meet the 25% floor area requirement. Again, the uncontradicted testimony was that the proposed office will be 16% of the total floor area of the residence, well within the 25% limitation. Finally, the Petitioner meets that part of the definition which limits the number of employees to one non-resident professional associate, nor two other non-residential employees. In this regard, testimony was offered that only Ms. Maltseva would be employed.

Clearly, the applicant meets the defined terms and limitations contained within the language set out in Section 1A04.2.B(11) of the B.C.Z.R. Having met this definition, the next question to be resolved is whether the use can be conducted on this property without detrimental impact on the surrounding locale. Properly controlled, I believe that the answer to that question is in the affirmative. Clearly, the operation of a full-time thriving medical practice at this location would be inappropriate. The neighborhood is residential in character and should remain in that fashion. However, a limited practice as described at the hearing appears to be acceptable. Such a

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Date

By

limited operation would result in minimal traffic in the community and impacts in the surrounding locale.

Based upon the testimony and evidence offered, I am therefore persuaded to grant the Petition for Special Exception; however, I will significantly limit same. The limitations shall be as follows: 1) First, the Petitioner shall not be allowed to employ anyone other than herself. That is, there shall be no other professional acupuncturist, nor any support staff employed on site. 2) I will restrict the building to be used as an office only those portions shown on Petitioner's Exhibit 2. That is, the office cannot exceed 16% of the total square footage area. 3) To prevent any commercial appearance, I will prohibit any signs advertising the location of the office. The Petitioner shall not be permitted to place any signs on the exterior of the building or anywhere on the lot indicating the location of the office. 4) Patients shall be treated on an appointment basis only. This should help prevent more than one patient visiting the site at any one time. 5) The Petitioner shall dispose of any medical waste (needles, etc.) in accordance with Health Department standards. 6) The special exception relief granted herein is limited to Ms. Maltseva, only. She cannot transfer this business to others and in the event of the sale of the subject property, or her relocation elsewhere, the authority granted by the special exception shall expire.

With these tight controls, I believe that the proposed use can be carried out at this location without detrimental impact to the surrounding locale. I also note that this decision will not establish any precedent for properties in this neighborhood or vicinity. Each case much be considered upon its own merits and without regard to other applications for other properties. Any professional person in this community who would apply for similar relief need proceed through the public hearing process during which time an evaluation of the impacts of the proposed use will be

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Date 7/23/99
By [Signature]

considered. Moreover, any proposed expansion to this use or amendment/alteration/elimination of the conditions enumerated above will require a public hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of July, 1999 that the Petition for Special Exception to permit a medical office on the subject property, zoned R.C.5, utilizing less than 25% of the overall square footage of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no professional acupuncturist other than the Petitioner herself, nor any support staff, employed on site.
- 3) Only those rooms on the first floor of the existing dwelling, identified on Petitioner's Exhibit 2 as the treatment area and waiting room, shall be used as the medical office.
- 4) There shall be no signs advertising the subject medical office. The Petitioner shall not be permitted to place any signs on the exterior of the building or anywhere on the property indicating the location of the medical office.
- 5) Patients shall be treated by appointment, only, so as to prevent more than one patient visiting the site at any one time.
- 6) The Petitioner shall dispose of any medical waste (needles, etc.) in accordance with Health Department standards.
- 7) The special exception relief granted herein is limited to the Petitioner, Ms. Maltseva, only. She cannot transfer this business to others and upon the sale of the subject property, or her relocation elsewhere, the authority granted by the special exception shall expire.

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Date 7/23/99
dep

- 8) Should the Petitioner wish to expand the medical office use on the subject property (not to exceed the 25% limit), a special hearing must be held to determine the appropriateness of such expansion.
- 9) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORIGINAL RECEIVED FOR FILING
7/23/09
[Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 23, 1999

Ms. Tatyana Maltseva
Mr. Max Simak
8 Sunny King Drive
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL EXCEPTION
W/S Sunny King Drive, 20' N of the c/l Sunfield Court
(8 Sunny King Drive)
4th Election District – 3rd Councilmanic District
Tatyana Maltseva and Max Simak - Petitioners
Case No. 99-370-X

Dear Ms. Maltseva and Mr. Simak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Craig R. Piette, 204 Sunny King Drive, Reisterstown, Md. 21136
Mr. Grant Harding, 500 Sunfield Court, Reisterstown, Md. 21136
Mr. David Green, 329 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Robert Hughes, 12 Sunday Court, Reisterstown, Md. 21136
Ms. Genevieve Matanowski, 200 Sunny King Drive, Reisterstown, Md. 21136
Mr. Chris Collier, Sr., 101 Sunny King Drive, Reisterstown, Md. 21136
Mr. & Mrs. Harry C. Helminger, 103 Sunny King Drive, Reisterstown, Md. 21136
Ms. Catherine Wissman, 507 Sunbrook Road, Reisterstown, Md. 21136
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #8 Sunny King Drive

which is presently zoned R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a medical office (less than 2570),

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 99-370-X

REC'D 09/15/98

Legal Owner(s):

Tatyana Maltseva

Name - Type or Print

Signature

MAX SIMAK

Name - Type or Print

Max Simak

Signature

8 Sunny King Drive

Address

Reisterstown, MD 21136

City

State

Zip Code

Representative to be Contacted:

Vincent J. Moskunas

M&H Development Engineers, Inc.

Name

200 E. Joppa Road Room 101 (410) 828-9060

Address

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hrs

UNAVAILABLE FOR HEARING

Reviewed By 221

Date 3-23-99

ORDER RECEIVED FOR FILING

Date

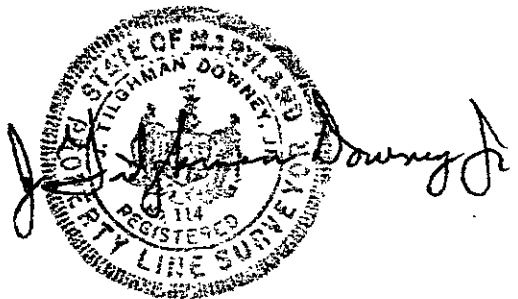
BY

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21286

ZONING DESCRIPTION FOR #8 SUNNY KING DRIVE

Beginning at a point on the west side of Sunny King Drive which is 50' wide at the distance of 20' north of the centerline of Sunfield Court which is 50' wide. Being lot #14, Block B in the subdivision of Sunnybrook Farms as recorded in Baltimore County Plat Book #22, Folio #80, containing 1.090 Acres. Also known as #8 Sunny King Drive and located in the 4th. Election District, 3rd. Councilmanic District.



J. Tilghman Downey, Jr.

370

99-370-X

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-370-X
8 Sunny King Drive
W/S Sunny King Drive, 20' N
of centerline Sunfield Court
4th Election District
3rd Councilmanic District
Legal Owner(s):

Tatyana Matseva &
Max Simak

Special Exception: for a
medical office.

Hearing: Tuesday, May 18,
1999 at 2:00 p.m. in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

4/5/0 April 29 C307992

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 4/29/, 1999.

THE JEFFERSONIAN,

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARY' ID
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

370
No. 065413

DATE 3-23-99 ACCOUNT R-001-6150

AMOUNT \$ 300.00

RECEIVED FROM: for Louise Johnson Financial Services

FOR: SPECIAL EXCEPTION FILING FEE
of 8 Sunny King Dr.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
3/23/1999 3/23/1999 10:21:04

REG 4502 CASHIER JRIC JAR DRAWER 2

\$ MISCELLANEOUS CASH RECEIPT

Receipt # 085211

CR NO. 065413

OFLN

300.00 CHECK

Baltimore County, Maryland

99.370-X

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-370-X
PETITIONER/DEVELOPER:
[Tatyana Maltseva]
DATE OF Hearing
[May 18, 1999]

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

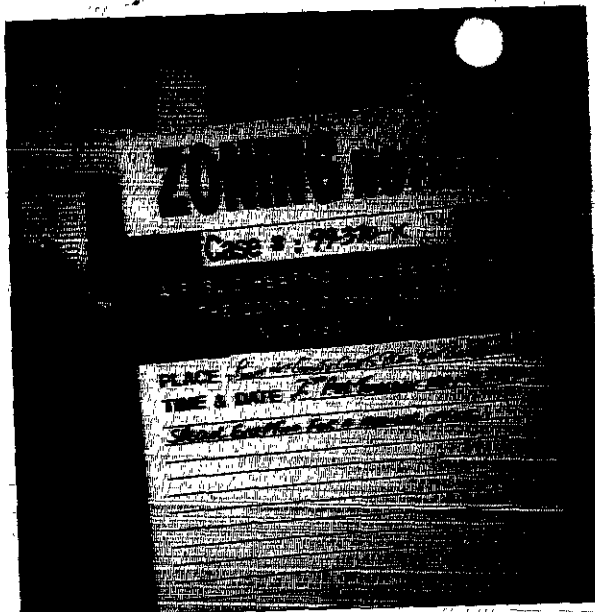
LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
8 Sunnyking Drive Baltimore, Maryland 21136_____

The sign(s) were posted on _____

1-30-99 _____

[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr. 4/30/99
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ [410]-687-8405 _____
[Telephone Number]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 7, 1999


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-370-X
8 Sunny King Drive
W/S Sunny King Drive, 20' N of centerline Sunfield Court
4th Election District – 3rd Councilmanic District
Legal Owner: Tatyana Maltseva & Max Simak

Special Exception for a medical office.

HEARING: Tuesday, May 18, 1999 at 2:00 p.m. in Room 407, County Courts
Building, 401 Bosley Avenue


Arnold Jablon
Director

c: Tatyana Maltseva & Max Simak
M&H Development Engineers, Inc.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 3, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
April 29, 1999 Issue – Jeffersonian

Please forward billing to:
Tatayana Maltseva
8 Sunny King Drive
Reisterstown, MD 21136

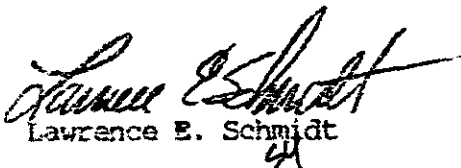
NOTICE OF ZONING HEARING

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CASE NUMBER: 99-370-X
8 Sunny King Drive
W/S Sunny King Drive, 20' N of centerline Sunfield Court
4th Election District – 3rd Councilmanic District
Legal Owner: Tatyana Maltseva & Max Simak

Special Exception for a medical office.

HEARING: Tuesday, May 18, 1999 at 2:00 p.m. in Room 407, County Courts
Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 370

Petitioner: Tatayana Maltova

Location: 8 Sunny King Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Tatayana Maltova

ADDRESS: 8 Sunny King Drive
Reisterstown, MD 21136

PHONE NUMBER: _____

AJ:ggs

(Revised 09/24/96)

99-370-X -16-

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-370-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A Special Exception to allow a medical
office (less than 25%).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 14, 1999

Mr. Vincent J. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, MD 21286

RE: Case No.: 99-370-A
Petitioner: Maltseva and Simak
Location: 8 Sunny King Drive

Dear Mr. Moskunas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 24, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: April 19, 1999

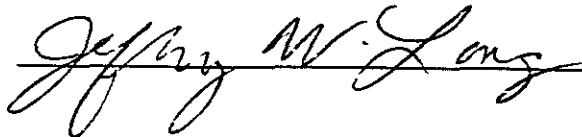
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 370, 372, and 375

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", written over a horizontal line.

AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4 . 2 . 9 9

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 370

J J S

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech -
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 15, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: TATYANA MALTSEVA AND MAX SIMAK - 370
GREGORY SEIDL - 375

Location: DISTRIBUTION MEETING OF APRIL 5, 1999

Item No.: 370 & 375

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 12, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 12, 1999
Item No. 370

The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of parking shall be addressed.

RWB:HJO:jrb

cc: File

ZONE0412.370

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: April/13/99

FROM: R. Bruce Seeley, Project Manager RBS/yr
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/5/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 368
370
371
373
374
375
378
99-342-A
99-345-A

RE: PETITION FOR SPECIAL EXCEPTION
8 Sunny King Drive, W/S Sunny King Drive,
20' N of c/l Sunfield Ct, 4th Election District,
3rd Councilmanic

Legal Owners: Tatyana Maltseva and Max Simak

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-370-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th April day of ~~March~~, 1999, a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunus, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

To: Lawrence Schmidt, Zoning Commisioner, Baltimore County

From: Craig R. Piette
5/18/99

Re: Case No. 99-370X -Medical Office

I have lived on Sunnyking Drive since 1977 and have gone by the site of the proposed medical office thousands of times; Sunnyking is the primary access road for both Sunnybrook Farm and Delight Meadows, communities with a combined 250 or so single-family residential homes. I would intelligently guess, over 90% of all ADT's use Sunnyking Drive. This is an extremely heavily traveled residential street.

Since I circulated a community flyer on Friday May 14th, I have received over 30 phone calls from concerned neighbors. Several of them also have provided written testimony that I would like to place in the record. In addition, there are several other members of our communities who will present their concerns regarding this project as well.

Our concerns are many - the primary one being that this is the FIRST commercial intrusion into our community in its 40 years of existence. With the specter of continued growth in the Owings Mills area, we are especially vigilant. This request cannot be allowed to set a precedent in our community.

I'm sure that the petitioner is a fine person and a qualified physician, but we can't let those distract us from our goal - to keep Sunnybrook Farms commercial free.

There is an interesting history to this property. For years it served as the hub of the neighborhood as the community swimming pool. As economic realities arose, the lot was sold and the current residence constructed with the pool house in the rear remaining. There have been a series of owners, the most recent having left the home up for auction. At that time, the auction listing advertised "2 residences", the thought being that the pool house could be converted to an "in-law" residence. Clearly, current zoning does not allow for "2 residences" and we want this hearing to clearly re-establish such. Our fear is that if granted, this special exception may lead to the conversion of the pool house to a free-standing office.

The real issue beyond the commercial intrusion is availability of other office space in the area. Within a 2 mile radius there are 4 professional office complexes, with medical professional uses predominating. These are NOT the new, high rise New Town variety, but well established, affordable buildings that the petitioner could rent. That does not include the many residences along Main Street in Reisterstown that have been converted to office use, many of them specifically for medical practices. If you add the availability of New Town office space, there is over 100,000 square feet of space available or in the pipeline for lease.

In addition, the petitioner recently purchased this property. If he needed office space, perhaps^s he should have selected a neighborhood where the commercial precedent had been already set.

Specifically, we are concerned about the type of practice, the hours of operation, lighting, signage, parking, and delivery vehicles.

As a community we would hope that you consider the following.

Requests similar to this have been handled in a manner similar to this:

- If the practice involves any type of psychiatric counseling, any type of sexual predatory patients, and drug or alcohol related uses, deny it without a thought.
- Recognizing the busy nature of the road, clearly any hours of operation should be restricted to non-peak hours 9 AM - 3 PM, with no night hours whatsoever. With no evening hours, there obviously would not be a need for any change in the current lighting arrangement.
- There cannot be any type of outdoor signage, be it free standing or attached to the residence. Patients have an address, that's all that is needed; no signs that advertise or announce a commercial use, period.
- Commercial delivery vehicles should be restricted to the UPS variety, during the business hours.
- Parking: given the nature of the topography and the restricted site distance coming over the hill, on-street parking should not be allowed. Parking should be restricted to the rear yard, through an existing gate with appropriate evergreen screening on all sides to

protect the privacy of the adjacent property owners.

Please, Mr. Schmidt, I ask you to help us protect the integrity of our community. I would gladly escort you on a tour of our neighborhood in order for you to see for yourself what a great place we have carved out for ourselves. I could show the available space that the petitioner can rent. I think you would clearly agree that this request is not in the best interests of our neighborhood.

Sir, although not officially representing the communities, I am confident that I speak for the vast majority of my neighbors when I ask that this request be summarily rejected . For over 40 years, this has been a strictly residential neighborhood - with the numerous commercial space opportunities available within a short distance, there can be no logical reason to set a commercial precedent at this or any other time.

Thankyou for the opportunity to present our case, and we look forward to your favorable decision. If you have any questions, I am available at your convenience.

308 Delight Meadows Road
Reisterstown, Maryland 21136
May 17, 1999

Mr. Lawrence Schmidt
Zoning Commissioner of Baltimore County
Baltimore, Maryland

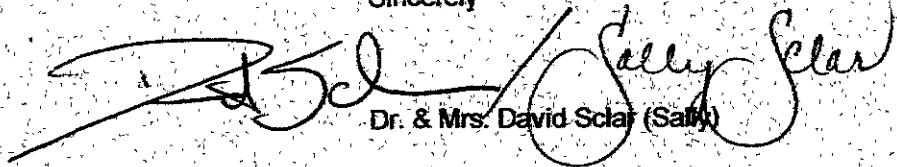
Dear Mr. Schmidt,

We are residents of Delight Meadows in Reisterstown and have recently been made aware of a request for a zoning change at 8 Sunnyking Drive to allow a private residence to be used, in part, as a medical office.

We would like you to preserve the current zoning as it stands and not allow this zoning request to be approved. It is amazing to us, how we live in a community where hundreds of thousands of square feet of new office and retail space is being constructed in our backyard, that someone feels the need to bring their business into our front yards. The precedent for allowing such a non-conforming use to occur could create many problems for our quiet residential neighborhood. Some problems which come to mind are; increased traffic, inappropriate signage, parking dilemmas which impede safe traffic flow (especially for the many children of our neighborhood) and the problems created if other neighbors decide it would be more convenient to establish businesses in their homes. Any person wishing to run a business from their home (that would inherently create safety and traffic problems) should have chosen to reside in a less populated area, perhaps on a major thoroughfare. There are many professionals in this neighborhood who rent or own office space, outside of this residential area, because it is our desire to keep this area quiet, private, peaceful, safe and strictly residential.

Thank you for your consideration on this important matter.

Sincerely



Dr. & Mrs. David Sclar (Sally)

May 17, 1999

To Whom It May Concern:

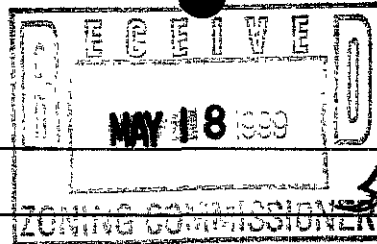
This is submitted as a protest to the rezoning (special exception for a medical office) in Case 99-370-X.

I cannot take off work to appear in person. But, as a neighbor and resident of this community for almost 17 years I strongly urge the County to leave our neighborhood as a

neighborhood - not a commercial enclave.

With the hundreds of thousands of square feet of office space being built in this once quiet, rural area, I'm sure these people can find appropriate offices for this medical practice. I may be

reached at 410-833-8490 if needed.
Yours truly, Debbie Caplan
12 Sunnydale Way



To Whom it may Concern:

Ref. zoning case 99370-X
10 Mummying Dr 21136

My husband and I are very disturbed by this request to have a residential, quiet neighborhood be zoned for business.

There is only one way in and out of the neighborhood known as Mummying / Delight Meadows.

This zoning request is on the main street into the neighborhood. We have no sidewalks, and little parking.

Our neighborhood is a quiet neighborhood, with many open office space available along Franklin Blvd and Red Run / Pleasant Hill Rd. Allowing a business on our quiet street that already has all of the neighborhood traffic in and out we feel will be a terrible injustice. At present we have a safe surrounding for our children to play even without sidewalks.

Adding a business to a residential area could cause problems down the road.

We don't know what kind of traffic this will bring or clients.

over →

Our street is not very well lit and having outsiders in / out of the neighborhood we feel is a potential for Crime. Business belong with businesses and homes and children deserve a place they can feel some security.

More Cars and trucks into a one road entrance into the neighborhood with little street lighting and the thought that if zoned for business could cause this secure, quiet neighborhood to just become another city neighborhood of crime and drugs.

With all the empty office space within a 2 mile radius on Redden, Pleasant Hill and Franklin there is no reason, we feel a home or residential area should house businesses that somewhere in the future could cause problems.

We already have many medical offices along Neustown Rd. Two big facilities in Immediate Care in Neustown and the New Patient First in Orange Mills.

Please vote against this business zoning and keep our neighborhood from traffic and violence for our children.

Mrs Mrs. W. Chris Collier
101 Sunnyvale Dr

21136

To the Zoning Commission:

We are not a commercial but a residential neighborhood.

I have lived at this property for thirty-two years. There is no room for parking extra cars and there is only one entrance and exit for this neighborhood. It runs in a figure eight plan and I am fearful of the additional traffic that will be generated by a professional business and all the unfavorable extras that will be generated by a professional business and all the unfavorable extras that will be brought along with it. I fiercely disapprove of anything but the residential status that we have enjoyed for these many years.

Please hear our pleas and let us keep our very lovely neighborhood as a residential NEVER a commercially zoned area.

Sincerely,

Therese Lysman
507 Sunbrook Rd.
Reisterstown, Md. 21136

Dear Mr. Lawrence Schmidt,

As a resident of Delight Meadows Road community, I take exception that anyone would attempt to put a commercial enterprise in our neighborhood. Even though the proposed business would be a Doctor's Office, it does not belong on a street which is made up entirely of family homes where children feel safe to play and ride their bikes. Please do not allow this office to open up in our neighborhood.

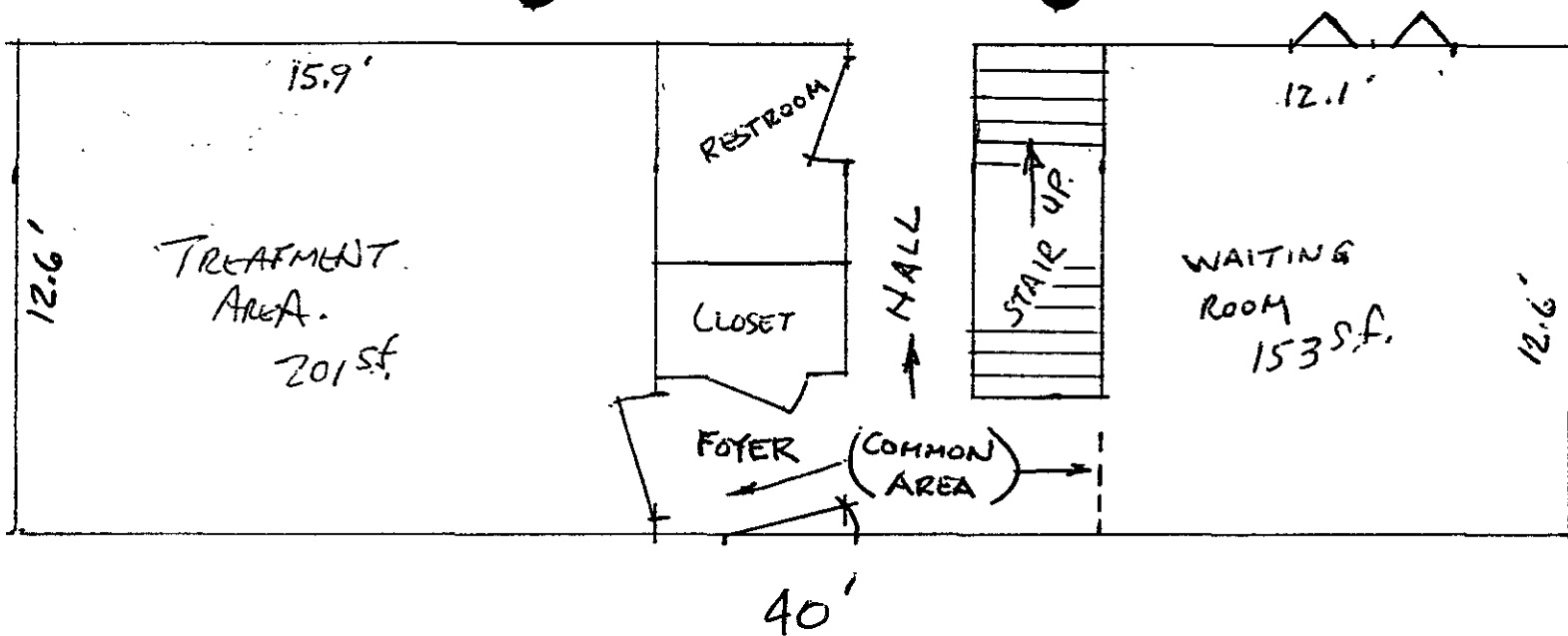
Thank You Very Much,
Neil and Nancy Cohen
309 Delight Meadows Road
Reisterstown, Md. 21136
410-833-0706

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
✓ CRAIG R. PIETTE	204 SUNNYKING DR. 21136
Reg Feldman	120 SUNNYKING DR 21136
MILTON FELDMAN	
Douglas & Marsha Marais	611 Sunspot Road 21136
Louise & Mary Jane Frit	503 Sunfield Ct 21136
Charles Elva Buttimore	11 SUNNYKING DR. 21136
TONY & MAXINE MARSHALL	6 SUNNYKING DR. 21136
Carlyle Mac Donald	7 Sunnyside 21136
HARRY L. Thompson, Jr.	14 SUNNYKING DR. 21136
STEPHANIE KARPIN	14 Sunnyside Dr. 21136
LARRY CAPLAN	12 Sunnydale Way 21136
JAMES HAWKINS	7 SUNNIDALE way 21136
Brian Gombel	305 Delight Meadows Rd 21136
✓ Grant Handing	500 SUNFIELD CT REISTERSTOWN 21136
✓ Robert W. Hughes	12 SUNDAY COURT REISTERSTOWN 21136
DAVID GREEN	329 DELIGHT MEADOWS ROAD 21136
✓ David E. Shutz	10 SUNNYKING Dr. Reisterstown
✓ Kenneth Motenoshki	200 Sunny King Dr. Reisterstown 21136
✓ Chris Collins Sr.	101 Sunny King Dr. Ret 21136
✓ Gary C. Helmlinger	103 Sunny King Dr. Ret 21136
Frances A Helmlinger	103 Sunnyking dr. 21136
Vincent Shaiders	504 Sunbrook Rd. Reist 21136
Beverly Shaiders	504 Sunbrook Rd. Reist. 21136
✓ Catherine Wiseman	507 Sunbrook Rd. Reist 21136





FRONT PART OF FIRST FLOOR.

SCALE: 1" = 5'

TOTAL DWELLING AREA 1ST & 2ND FLOOR = 2160 S.F.

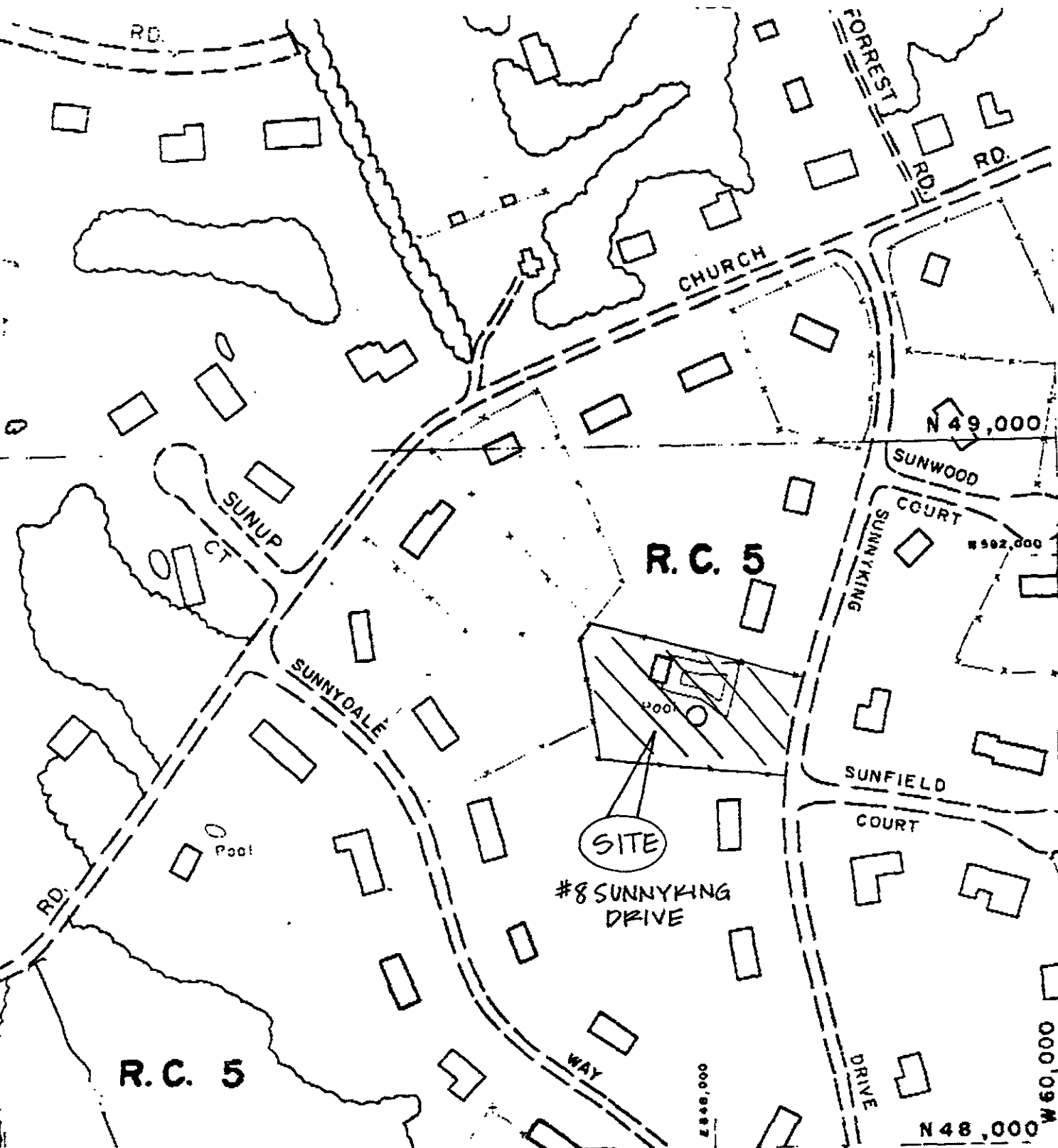
TREATMENT AREA + WAITING ROOM AREA = 354 S.F.

AREA PERCENTAGE = 16%

CASE NUMBER : 99-370-X
8 SUNNY KING DRIVE

EXHIBIT " 2 "

5/18/99



#370

R.C. 5

R.C. 5

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY

JANUARY

1986

LOCATION

REISTERSTOWN
AREA
SOUTH

N 48,000
SHEET

N. W.

13-K

99-370-X

PHOTOGRAPH ADDENDUM

Case #

Borrower **SIMAKHODSKAYA, TATYANA**

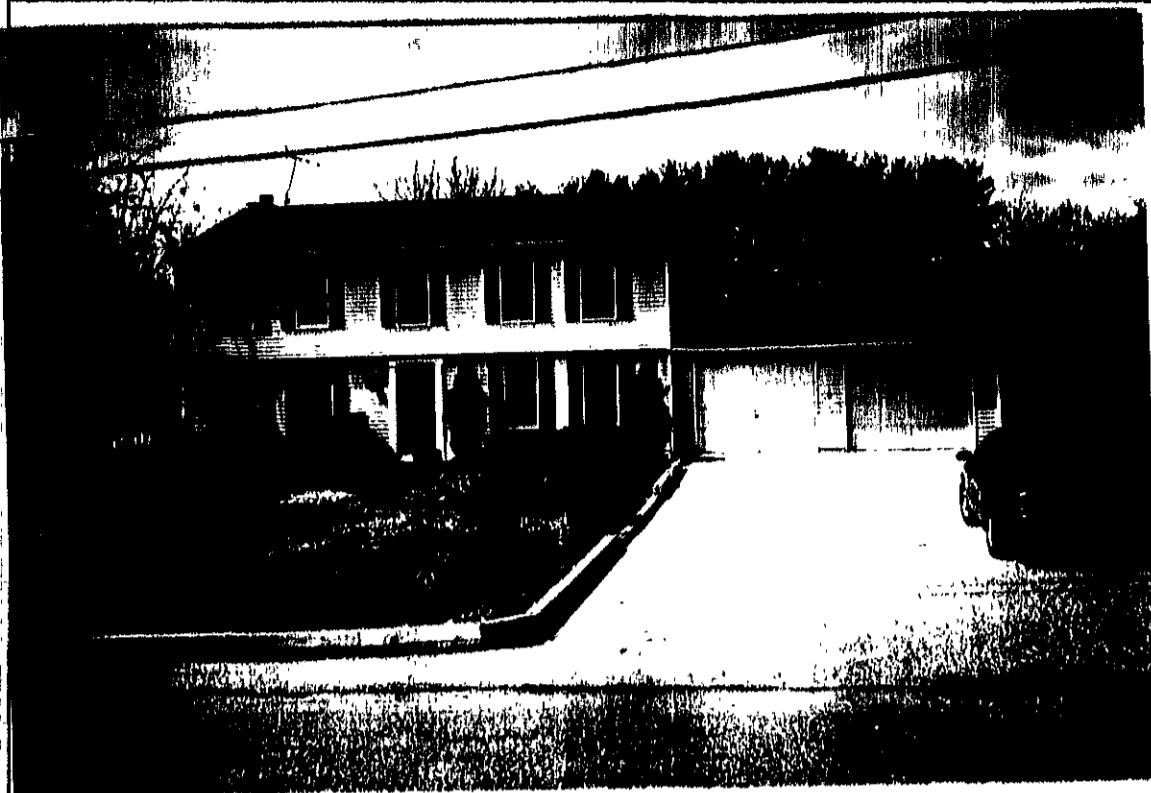
Property Address **8 SUNNY KING DRIVE**

City **REISTERSTOWN** County **BALTIMORE**

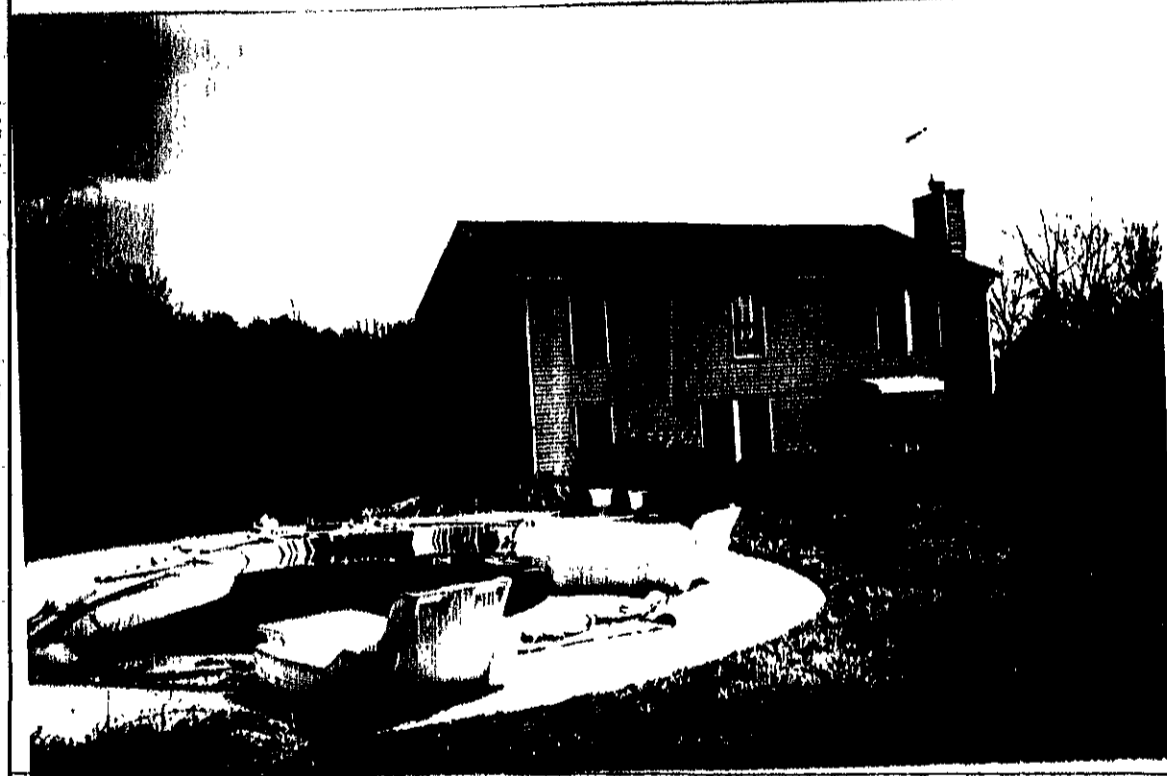
State **MD**

Zip Code **21136**

Lender **VIRGINIA FIRST MORTGAGE**



FRONT OF
SUBJECT PROPERTY

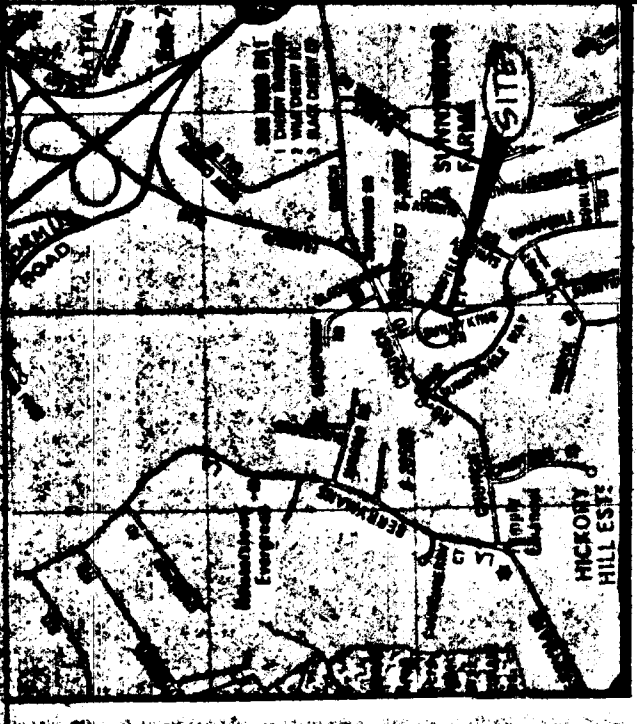


REAR OF
SUBJECT PROPERTY



STREET SCENE

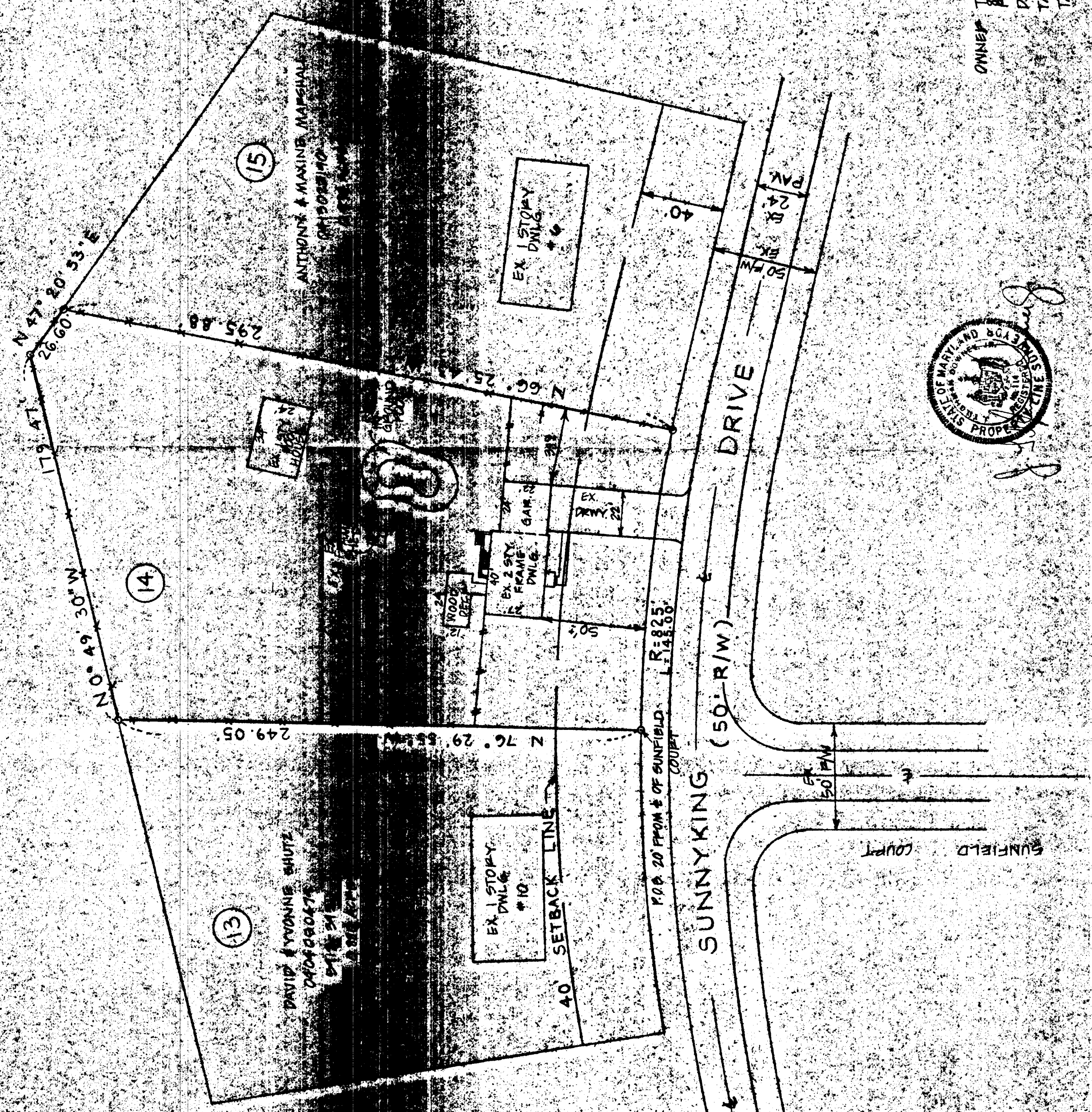
Pat Noz



VICINITY MAP SCALE 1"=2000'

LOCATION INFORMATION

1. EXISTING ZONE: M.C.S.
2. 200' SCALE MAP: N.W. 13-K
3. LOT SIZE: 1.040 ACRES
4. PRIVATE WELL & SEPTIC
5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
6. COUNCILMANIC DISTRICT NO. 3
7. FLOOD AREA: FEMA FIRM: 47088-I-47480-B-910
GROSS AREA: 0.088 SITE AREA
8. A.F. ALLOWED: NOT MORE THAN 25% OF TOTAL FLOOD AREA
9. A.O.S. NOT REQUIRED
10. PARKING AS US: OFFICE OR A PROFESSIONAL IS NOT A LISTED USE FOR PARKING REQUIREMENTS
11. OFFICE OCCUPIES 27% OF FLOOD AREA OR MORE THAN 25% ALLOWED



LEGEND
CHAINLINK FENCE
WOOD FENCE

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
8 SUNNYKING DRIVE
LOT 14, BLOCK "B"
SUNNY BROOK FARMS 22-80
ELECTION DISTRICT NO. 4
BALTIMORE CO. MD
SCALE: 1"=40'
MARCH 8, 1999



PREPARED BY THE PLAN:
J.R.F. ENGINEERS, INC.
200 Fox Chase Road
Room 101, Silver Spring
Maryland 20910
444-1444

OWNER: TATYANA MALTEVA & MAX SIMAK
SUNNYKING DRIVE
BETHESDA, MD 20814
DEED REF: 13469109
TAX ACCT NO: 0408055670
TAX MAP 51 GRID 16 PARCEL 311

99-370-X

ZONING OFFICE USE ONLY	REVIEWED BY	ITEM NO.	CASE NO.
	<i>[Signature]</i>	370	

99-8150